

REMARKS

I. General

Claims 1-54 are pending in the present application. Claims 1, 2, 5-8, 10, 11, 15-19, 25, 32-39, 47-50, 52, and 54 stand rejected under 35 U.S.C. § 102. Claims 3, 4, 9, 12-14, 20-24, 26-31, 40-46, 51, and 53 stand rejected under 35 U.S.C. § 103. Applicant respectfully traverses the rejections of record.

Applicant's attorney thanks the Examiner and Supervisory Patent Examiner Leslie Wong for their time and consideration in conducting a telephone interview with the undersigned. Applicant submits amendments herein made in the spirit of the discussion during that interview.

Claim 1 has been amended to more clearly recite the utilization of the data identified using the information vector to access another database to identify data that was not directly identified from the information vector. The foregoing amendment of claim 1 does not present new matter as the subject matter is clearly present, *inter alia*, at paragraph 0114 of the specification as filed. Moreover, the clarifying amendments made to claim 1 are asserted to more clearly set forth the limitations originally present in claim 1 without narrowing the scope thereof.

Claim 32 has been amended to more clearly recite the identifying of confluence of data using information vectors, wherein each of the information vectors from which a confluence of data is identified are associated with a different search direction. Claims 33, 38-42, 45, and 46, dependent from claim 32, have been amended to track the amendments to claim 32. No new matter has been added as the subject matter is clearly present, *inter alia*, at paragraph 0115 of the specification as filed.

Claim 47 has been amended to correct an informality discovered during the preparation of the present Amendment. Specifically, the plurality of geographically dispersed databases originally recited in the claim were amended to recite storing data available through the query, to thereby properly link the databases and communication system set forth in the claim. Moreover, claim 47 has been amended to expressly recite what is meant by identifying indirectly relevant data. No new matter has been added as the subject

matter is clearly present, *inter alia*, at paragraph 0014 of the specification as filed. The foregoing amendments are asserted to expressly recite what was implicitly set forth in the claim as filed, and thus does not narrow the scope thereof.

II. Applicant's Record Under § 713.04 of Telephone Interview With Examiner

Applicant respectfully submits the following record of the telephone interview of January 31, 2007, under M.P.E.P. § 713.04. The following persons participated in the interview: Examiner Mahesh H. Dwivedi, Supervisory Patent Examiner (SPE) Leslie Wong, and Applicant's attorney R. Ross Viguet.

Various limitations of the independent claims were discussed in reference to the applied art. Specifically, the plurality of databases and the utilization of a portion of data identified using an information vector to access another database set forth in claim 1, the identifying confluence of search information vectors of claim 32, and the identifying data indirectly relevant to an information vector using data identified as directly relevant to the information vector of claim 47 were discussed with respect to Michael, United States patent application publication number 2003/0070076 (hereinafter Michael). No agreement was reached with respect to the patentability of the claims.

Applicant's attorney notes that in the Examiner's Interview Summary mailed February 9, 2007 (hereinafter the "Interview Summary") it is stated that the undersigned stated that he "could see how the cited art could be interpreted to teach the claim invention, and stated that he would amend the claim to insert 'geographically dispersed databases'," Interview Summary at page 3. Applicant's attorney did not agree that the cited art could be interpreted to teach the claim, but rather stated that he now understood what the Examiner was reading to meet the claim. It was further stated that such was the point of the interview so that Applicant's attorney could better counsel Applicant with respect to how to proceed with prosecution. Applicant's attorney notes that the Examiner's rejections of record appear to have relied upon databases at the various user terminals for the "plurality of databases" (wherein shared access is not provided to such subscriber databases) and the interview was the first time at which Applicant's attorney understood the Examiner to be reading the shared database of Michael to be a plurality of databases.

Applicant's attorney then attempted to explore with the Examiner, in light of the Examiner's interpretation that shared database is a plurality of databases, whether a limitation reciting that the databases are geographically dispersed would render the rejection moot. Applicant's attorney was admonished by SPE Leslie Wong that this limitation was not included in the agenda faxed by Applicant's attorney and thus this limitation was not fully explored. Applicant's attorney did not agree to amend the claim to include such a limitation.

In the Interview Summary, the Examiner states that "the potential amendment could overcome Michael, but a more focused study of Michael and a potential new search and consideration would have to be performed," *id.* Applicant's attorney respectfully points out that claim 5 as originally filed recites the foregoing limitation, and thus the examination of the application must have already included search and consideration of the "geographically dispersed" limitation.

III. The 35 U.S.C. § 102 Rejections

Claims 1, 2, 5-8, 10, 11, 15-19, 25, 32-39, 47-50, 52, and 54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Michael. To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Michael clearly does not show the identical invention in as complete detail as is contained in the claims.

A. The Independent Claims

Claim 1 as originally submitted recited "utilizing said at least a portion of said useful data from said at least one database to access at least another database of said plurality of databases to identify another portion of said useful data therein" Michael simply does not teach utilizing a portion of data identified in a first database using a search vector to access a second database to identify more data.

The Examiner relies upon paragraph 42 of Michael to meet the foregoing limitation. However, paragraph 42 of Michael states in its entirety: "The computing system 21 may be

any conventional computer having the necessary computing power to store data within one or more databases and provide calculations and correlations based on the stored and inputted data.” The mere disclosure that computing power is provided to store data within one or more databases as well as to provide calculations and correlations based on the stored and inputted data does nothing to address the express limitation “utilizing said at least a portion of said useful data from said at least one database to access at least another database . . . to identify another portion of . . . data” (emphasis added), nor has the Examiner shown otherwise.

As the language of Michael is insufficient to meet the claim and “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)), Applicant believes the Examiner must be attempting to establish a rejection based upon inherency. However, in order to properly establish a rejection based on inherency, “the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” M.P.E.P. § 2112, citing *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis original). A proper rejection based upon inherency has not been made of record because there is nothing on the record to show that data from a database is used to access another database necessarily flows from the disclosure of Michael.

Alternatively, due to the fact that the disclosure of Michael is devoid of any explicit disclosure meeting the above identified claim limitation, the Examiner must be relying on personal knowledge, or has taken Official Notice, with respect to this matter. Under Rule 37 C.F.R. § 1.104(d)(2), the Examiner is hereby requested to provide and make of record an affidavit setting forth his data as specifically as possible for the assertion. Alternatively, under M.P.E.P. § 2144.03, the Examiner is hereby requested to cite a reference in support of the assertion.

Nevertheless, Applicant has amended claim 1 herein so as to more clearly set forth the foregoing limitation. Specifically, claim 1 has been amended to recite “utilizing said at least a portion of said useful data identified in said at least one database using said information

vector to access at least another database of said plurality of databases to identify another portion of said data therein, wherein said another portion of said useful data is not directly identified from said information vector” Whether the shared database of Michael can be read as only a single database or a plurality of databases, there is nothing in the disclosure of Michael to teach using data identified using a search vector to access another database and identify additional data that was not directly identified from the search vector. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102 rejection of record with respect to claim 1 and the claims dependent therefrom be withdrawn.

Claim 32 has been amended to more clearly recite identifying a confluence of relevant data identified by different search vectors. Accordingly, claim 32, as amended, recites “identifying confluence of portions of said relevant data identified by different ones of said search information vectors of said plurality of search information vectors, wherein said different ones of said search information vectors are each associated with a different one of said different search directions.” The Examiner relies upon the various tables of Figures 12-19 and paragraphs 42 and 47 of Michael to meet the claim. However, merely disclosing multiple tables which contain data (Figures 12-19), “correlating alias names associated with criminal offenders” (paragraph 47), and that “[t]he computer system 21 may be any conventional computer having the necessary computing power to store data within one or more databases and provide calculations an correlations based on the stored and inputted data” (paragraph 42), does not teach identifying confluence of data identified by different search vectors as required by the claim. At best, the identified disclosure of Michael can be read to teach a single search vector for correlating alias names with a criminal offender. There is nothing in this disclosure to teach multiple search vectors having different search directions. Moreover, there is nothing to teach identifying a confluence of the data that is identified by different ones of the search vectors. Clearly, the identical invention is not taught in the same level of detail as set forth in the claim. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102 rejection of record with respect to claim 32 and the claims dependent therefrom be withdrawn.

Claim 47 recites “said communication system operable to identify data directly relevant to at least one of said information vectors, said communication system further operable to identify data indirectly relevant to said at least one of said information vectors

using said data identified as directly relevant to said at least one of said information vectors” The Examiner relies upon paragraph 49 of Michael to meet the foregoing limitation. However, paragraph 49 merely teaches that “operators . . . may query all the data contained within the database.” This disclosure is simply insufficient to teach indirectly identifying relevant data using the directly identified relevant data.

In addressing the foregoing deficiency in the applied art, the Examiner states that “since Michael teaches that all data is searched, then some irrelevant data must be returned as well,” Interview Summary at page 3. However, the foregoing is immaterial to the patentability of the claim limitation. The claim expressly recites “identify[ing] data indirectly relevant to said at least one of said information vectors using said data identified as directly relevant to said at least one of said information vectors” To aid the Examiner in understanding the claim limitation as originally presented, Applicant has amended the claim to expressly recite that the “indirectly identified data is not directly identified from said multidirectional information vectors.” There is nothing in Michael to teach using data identified using a search vector to identify additional data, nor has the Examiner shown otherwise. Therefore, the 35 U.S.C. § 102 rejection of claim 47 and the claims dependent therefrom should be withdrawn.

B. The Dependent Claims

Claims 2, 5-8, 10, 11, 15-19, 25, 33-39, 48-50, 52, and 54 depend directly or indirectly from a respective one of claims 1, 32, and 47 discussed above, and thus incorporate the limitations thereof. Applicant has shown that the applied art does not meet all the limitations of these base claims. Accordingly, dependent claims 2, 5-8, 10, 11, 15-19, 25, 33-39, 48-50, 52, and 54 are asserted to be patentable over the 35 U.S.C. § 102 rejections at least for the reasons set forth above with respect to claims 1, 32, and 47.

Moreover, the dependent claims recite new and non-obvious limitations in addition to those set forth in the base claims. However, as Applicant has clearly shown that the rejections of record are improper, the dependent claim limitations have not been further addressed herein.

IV. The 35 U.S.C. § 103 Rejections

Claims 3, 9, 12, 14, 20-24, 26-31, 40-46, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Michael in view of United States patent application publication number 2003/0126470 (hereinafter Crites). Claims 4, 13, and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Michael in view of United States patent number 5,485,507 (hereinafter Brown). However, to render a claim unpatentable under 35 U.S.C. § 103, all the claim limitations must be taught or suggested by the prior art, M.P.E.P. § 2143.03. The applied art does not teach or suggest all of the limitations set forth in the claims and, thus, the rejections of record do not establish a *prima facie* case of obviousness under 35 U.S.C. § 103.

Claims 3, 9, 12, 14, 20-24, 26-31, 40-46, and 51 depend directly or indirectly from a respective one of claims 1, 32, and 47 discussed above, and thus incorporate the limitations thereof. Applicant has shown that the applied art does not meet all the limitations of these base claims. Moreover, the secondary reference Crites is not relied upon to address the identified deficiencies in the primary reference Michael. Accordingly, dependent claims 3, 9, 12, 14, 20-24, 26-31, 40-46, and 51 are asserted to be patentable over the 35 U.S.C. § 103 rejections at least for the reasons set forth above with respect to claims 1, 32, and 47.

Claims 4, 13, and 53 depend directly or indirectly from a respective one of claims 1 and 47 discussed above, and thus incorporate the limitations thereof. Applicant has shown that the applied art does not meet all the limitations of these base claims. Moreover, the secondary reference Crites is not relied upon to address the identified deficiencies in the primary reference Michael. Accordingly, dependent claims 4, 13, and 53 are asserted to be patentable over the 35 U.S.C. § 103 rejections at least for the reasons set forth above with respect to claims 1 and 47.

Moreover, the dependent claims recite new and non-obvious limitations in addition to those set forth in the base claims. However, as Applicant has clearly shown that the rejections of record are improper, the dependent claim limitations have not been further addressed herein.

V. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant respectfully requests that the application be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P001CP2/10309809 from which the undersigned is authorized to draw.

Dated: February 28, 2007

Respectfully submitted,

I hereby certify that this document is being transmitted to the US Patent and Trademark Office via electronic filing.

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By R.R.V. ✓

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